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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/551,410

09/29/2005

Terence M. Hedley

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08/12/2008

Legal Department (M-495)

P.O. Box 1926

Spartanburg, SC 29304

EXAMINER

JUSKA, CHERYL ANN

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

08/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/551,410	Applicant(s) HEDLEY, TERENCE M.	
	Examiner Cheryl Juska	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 32-37, 39-41, 44 and 46-53 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 32-37, 39-41, 44 and 46-53 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed May 7, 2008, has been entered. Claims 32, 39, 44, and 49 have been amended as requested. Claims 38, 42, 43, and 45 have been cancelled. Thus, the pending claims are 32-37, 39-41, 44, and 46-53.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 32-37, 39-41, 44, and 48-50 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,630,414 issued to Matsumoto in view of DE 29603229U assigned to Wunderlich and JP 08-224205 assigned to Asahi as set forth in section 5 of the last Office Action (Non-Final Rejection mailed 12/07/07).

Applicant has amended independent claim 32 with the limitations of cancelled claims 38, 42, 43, and 45. However, since said claims were also previously rejected over the combined art of Matsumoto, Wunderlich, and Asahi, said amendment is insufficient to overcome the rejection.

4. Claims 46, 47, and 51-53 stand rejected under 35 U.S.C. 103(a) as being unpatentable over US 6,630,414 issued to Matsumoto in view of the cited Wunderlich and Asahi references, as applied to claims 32 and 49 above, and in further view of US 2001/0044249 issued to Demott et al. as set forth in section 6 of the last Office Action.

Response to Arguments

5. Applicant's arguments filed with the amendment filed on May 7, 2008, have been fully considered but they are not persuasive.

6. Applicant argues the cited prior art fails to teach the presently claimed second fabric layer having a substantially closed structure (Amendment, page 6, 5th paragraph). Specifically, applicant states (Amendment, page 6, 6th paragraph):

It appears that the fabrics of MATSUMOTO, WUNDERLICH, and ASAHII have a fabric (3-D net, 3-D textile, double knit fabric, respectively) with a mesh (open) upper and lower layer. In contrast to the claimed invention, their upper and lower layers have similar mesh constructions.

7. This argument is found unpersuasive since, as argued in the last Office Action, the primary reference of Matsumoto discloses a three-dimensional net having a first mesh web, a second mesh web and connecting yarns connecting said first and second mesh webs (i.e., spacer fabric) (abstract). The first mesh web has larger opening than those of the second mesh web (i.e., substantially closed structure relative to first mesh web openings) (abstract). The larger mesh openings preferably have a diameter of 5-100 mm, while the diameter of the smaller mesh openings have a diameter of 1-50 mm (col. 22, lines 31-38). So, while Matsumoto may still describe the second fabric layer as a "mesh," the disclosed invention encompasses fabrics having mesh openings as small as 1 mm, which produces a *substantially closed fabric*, especially relative to the first mesh fabric having openings up to 100 mm in size. Therefore, applicant's argument is found unpersuasive and the above rejection stands.

8. Applicant also traverses the rejection by arguing that Matsumoto appears to teach composites of two net fabrics may be used as materials for floor mats, which is outside the scope of the present invention wherein a single layer consisting of a spacer fabric is employed

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(Amendment, page 7, 1st paragraph). This argument is also unpersuasive since the two net fabrics of Matsumoto are formed into a spacer fabric via connecting yarns. In other words, Matsumoto's two net fabrics and connecting yarns are equivalent to applicant's single layer of a spacer fabric. Thus, applicant's argument is found unpersuasive.

9. Regarding applicant's comment that Matsumoto fails to teach how the composite of two net fabrics (i.e., spacer fabric) is employed for a floor mat (Amendment, page 7, 1st paragraph), it is noted that the rejection is not based upon Matsumoto alone. Since Matsumoto fails to teach the specifics of how to produce a floor mat from the spacer fabric, one must presume such teachings can be found in the prior art, such as Wunderlich and Asahi.

10. Applicant also argues that cited prior art fails to teach the substantially closed side of the spacer fabric is the side bonded to the rubber backing while the open side of the spacer fabric is the face of the floor mat (Amendment, page 7, 2nd paragraph). In response, it is asserted that one skilled in the art of floor mats would have readily understood the open side of the spacer fabric of Matsumoto is suitable as the face of the floor mat. For example, in the Wunderlich floor mat, the openings of the spacer fabric are required for the dirt absorption (abstract and translation, page 2, lines 25-29):

The openings provided in the upper fabric layer act here like the holes in a grid, i.e. when the doormat fabric is walked across they remove the dirt from the shoe soles and let it drop into the collecting layer.

Therefore, applicant's argument is found unpersuasive.

11. With respect to the rejection of claims 46, 47, and 51-53, applicant's argue the addition of the DeMott reference does not make up for the deficiencies of the cited Matsumoto, Wunderlich, and Asahi references (Amendment, page 8, 1st paragraph). However, as discussed above, the rejection over Matsumoto, Wunderlich, and Asahi has not been found to be deficient.

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Additionally, applicant disagrees with the rejection by asserting the Matsumoto reference does not provide any motivation for printing on the spacer fabric having relatively large openings (Amendment, page 8, 1st paragraph). In response, printing of floor mats, such as Matsumoto, Wunderlich, and/or Asahi floor mats, is well known in the art as a means of providing a desired aesthetic appearance. Additionally, all of the claimed elements (i.e., floor mat having the claimed spacer fabric, rubber backing, and printed face) were known in the prior art at the time of applicant's invention. A skilled artisan could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded predictable results. Therefore, applicant's argument is found unpersuasive.

Conclusion

12. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

13. Any inquiry concerning this communication or earlier communications from the

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examiner should be directed to Cheryl Juska whose telephone number is 571-272-1477. The examiner can normally be reached on Monday-Friday 10am-6pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached at 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Cheryl Juska/
Primary Examiner
Art Unit 1794

cj
August 12, 2008